

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

HARRISON FRANKLIN,

Plaintiff,

ORDER

v.

11-cv-736-wmc

GREGORY GRAMS, JOSEPH HARRIS,
MELISSA THORNE, LORI ALSUM,
BARBARA DELAP, DR. DALIA SULIENE
and MARC CLEMENTS,

Defendants.

State inmate Harrison Franklin filed this lawsuit under 42 U.S.C. § 1983, and he was granted leave to proceed with claims that defendants were deliberately indifferent to his medical needs. Franklin, who proceeds *in forma pauperis*, now seeks an order directing prison officials to allow him to use the funds in his release account to pay certain costs incurred in litigating this case. (Dkt. # 48). In particular, Franklin requests access to funds in his release account to pay for paper, envelopes, postage and copies. His motion will be denied for reasons set forth briefly below.

The use of inmate release account funds is governed by state law. Wis. Admin. Code § DOC 309.466. According to § 309.466(2), “[r]elease account funds may not be disbursed for any reason until the inmate is released to field supervision, except to purchase adequate clothing for release and for out-of-state release transportation.” While the Supremacy Clause of the United States Constitution requires state law to give way to a competing federal law in rare instances, *see Carter v. Bennett*, 399 F. Supp. 2d 936, 936-

37 (W.D. Wis. 2005), there is no federal law that requires state officials to give prisoners money from their release account to pay the costs of legal supplies. Accordingly, the court will deny Franklin's motion to use funds from his release account.

ORDER

IT IS ORDERED that plaintiff Harrison Franklin's motion to use funds from his release account (Dkt. # 48) is DENIED.

Entered this 16th day October, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge